



**United States Bankruptcy Court
for the District of Oregon**

Albert E. Radcliffe, Judge

Virginia H. Denney, Judicial Assistant

Howard J. Newman, Law Clerk

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May 29, 2008

Ms Oleita Ann Ernest
543 NE West Avenue
Roseburg, OR 97470

RE: ERNEST, Oleita Ann; Case No. 08-61491-aer7
Response to Notice of Intent to Not Grant Discharge

Dear Ms Ernest:

The court has received your response to the court's "Notice Of Intent to Not Grant the Debtor a Discharge." Although the response indicates you had a bankruptcy "8 ½ years ago," I take judicial notice that your previous case (# 01-65914-fra7) was filed on August 3, 2001 as a Chapter 7, in which a discharge order was entered on December 12, 2001.

Your present case was filed on May 5, 2008. Under 11 U.S.C. § 727(a)(8), you are not eligible to receive a discharge in the present case because you received a discharge in your prior case and the present case was filed within 8 years of your prior case. The statute does not allow me to take into account the extenuating circumstances set out in your response. Your response will thus be overruled, and you will not be granted a discharge. I urge you to seek legal advice as to your options at this point.

The above constitute my findings of fact and conclusions of law under FRBP 7052; they shall not be separately stated. An order consistent herewith will be entered.

Very truly yours,

A handwritten signature in cursive script that reads "Albert E. Radcliffe".

ALBERT E. RADCLIFFE
Bankruptcy Judge

AER:vhd

cc: Ms Gail Geiger, Assist. U. S. Trustee
Mr. Ronald Sticka, Trustee